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FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/12/2001	Hugh S. West JR.	14000.11	3848	
590 12/23/2004		EXAM	INER	
John M. Guynn		RAMANA, A	RAMANA, ANURADHA	
		ARTUNIT	PAPER NUMBER	
1000 Eagle Gate Tower 60 East South Temple				
UT 84111		3/32		
	10/12/2001 10/12/2001 10/12/2004 In NYDEGGER & SEELEY Tower Temple	10/12/2001 Hugh S. West JR. 10/12/2004 In NYDEGGER & SEELEY e Tower Temple	10/12/2001 Hugh S. West JR. 14000.11 90 12/23/2004 EXAM IN RAMANA, A NYDEGGER & SEELEY Temple 3732 UT 84111	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/977,154	WEST, HUGH S.
Office Action Summary	Examiner	Art Unit
	Anu Ramana	3732
The MAILING DATE of this communication ap	pears on the cover sheet with the c	orrespondence address
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep. If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin bly within the statutory minimum of thirty (30) day I will apply and will expire SIX (6) MONTHS from te. cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 09 s 2a) This action is FINAL. 2b) This action for allowed closed in accordance with the practice under	is action is non-final. ance except for formal matters, pro	
Disposition of Claims		•
4) Claim(s) 1-18,20,21 and 23-34 is/are pending 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1-18,20,21 and 23-34 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/	awn from consideration.	
•		
9) The specification is objected to by the Examin 10) The drawing(s) filed on 10/12/01 is/are: a) Applicant may not request that any objection to the Replacement drawing sheet(s) including the corre 11) The oath or declaration is objected to by the E	accepted or b) \boxtimes objected to by the drawing(s) be held in abeyance. Se ction is required if the drawing(s) is ob-	e 37 CFR 1.85(a). pjected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		,
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the pri application from the International Bure * See the attached detailed Office action for a list	nts have been received. nts have been received in Applicat ority documents have been receiv au (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06) Paper No(s)/Mail Date 6/18/2004.	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal 6 6) Other:	

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DETAILED ACTION

Response to Amendment

The amendment filed on September 9, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "the distal threaded section having a length greater than the length of the proximal threaded section......bone region."

The Examiner has carefully reviewed the specification and drawings of the instant application. Para [050] of Applicants' disclosure states that in an embodiment, the proximal end 22 of Applicant's screw is 5 mm thick, implying a total remaining length of the screw to be about 30 to 35 mm, based on a total screw length of 35 mm to 40 mm. The total remaining length of the screw includes the distal (20) and transition (23) sections of the screw (Fig. 2). Thus, this disclosure does not imply that the distal threaded section (20) of the screw is longer than the proximal threaded section (22). Further, no criticality for providing a distal threaded section longer than the proximal threaded section is taught in the specification as originally filed, since the Applicant states that his screw can be any length to accommodate various needs and preferences.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate different portions as the "proximal section" in Figures 2 and 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the

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page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18, 20-21 and 23-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Note comments above. Also, in Figure 4 (Applicant's disclosure), the proximal and threaded sections could be as illustrated below, making the distal and proximal threaded sections about equal in length.

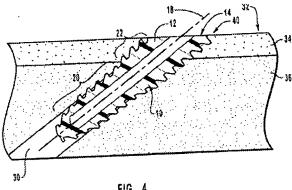


FIG. 4

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 25 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiler et al. (US 6,589,245).

Weiler et al. disclose an interference screw 10 made of poly(L-lactide) wherein the screw has portions of varying diameter and is utilized to fix a tendon transplant or "soft tissue graft" 60 in a bone tunnel 64 (Figs. 1-3, col. 3, lines 43-67, col. 4, lines 11-19 and lines 56-67).

The method steps of claim 25 are inherently performed during normal use of the Weiler et al. screw for fixation of a ligament in a bone tunnel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thramann (US 5,360,448) in view of Rieser et al. (US 6,387,129).

Thramann discloses a bone screw 1 having a proximal threaded section 4 and a distal threaded section 9 wherein the threads of the proximal and distal sections have the same pitch (Fig. 3, col. 6, lines 66-68, col. 7, lines 1-27 and col. 10, lines 22-24).

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Thramann discloses all elements of the claimed invention except for the proximal end of the screw having an angle relative to a central axis in a range of about 10° to about 80°.

Rieser et al. teach providing an angled end to a screw so that the screw can be oriented flush with the outer surface of a bone (Fig. 3, col. 2, lines 41-47 and col. 4, lines 4-12).

Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the Thramann screw with an angled end, as taught by Rieser et al., so that the screw is oriented flush with the outer surface of a bone. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an angle to the screw of the combination of Thramann and Rieser et al. in a range of about 10° to about 80°, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Response to Arguments

Applicant's arguments with respect to claim1-18, 20-21 and 23-34 submitted under "REMARKS" in the response filed on September 9, 2004 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached at (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR Amuadoa Lanara

December 15, 2004

EDUARDO C. ROBERT PRIMARY EXAMINER